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IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
HARRISBURG, PA

AUG 21 2001

ERIC JOSEPH EPSTEIN	)	MARY E. O'ANDREA, CLERK Per <u>9/8</u> Deputy Clerk
Plaintiff,	)	
v.	)	Civ. No. 01-0682
	)	Judge Kane
SPENCER ABRAHAM, Secretary of the	)	
U.S. Department of Energy; HERBERT	)	
WATKINS, Contracting Officer, U.S.	)	
Department of Energy	)	
Defendants.	)	

**FEDERAL DEFENDANTS' UNOPPOSED MOTION TO POSTPONE  
PRETRIAL SCHEDULING CONFERENCE PENDING THE COURT'S  
RESOLUTION OF DEFENDANTS' MOTION TO DISMISS**

Federal Defendants hereby move the Court to vacate its August 14, 2001 order scheduling a case management conference pending the Court's resolution of Defendants' motion to dismiss and, in support thereof, state as follows:

1. Plaintiff filed a complaint on April 19, 2001;

2. The Federal Defendants filed a motion to dismiss the complaint on June 18, 2001;

3. Plaintiff, proceeding pro se, filed a brief in opposition to the motion on July 17, 2001 and Federal Defendants filed a reply on August 1, 2001;

4. The Court has scheduled a case management conference for September 21, 2001;

5. Federal Defendants respectfully submit that if the Court grants Federal Defendants' motion to dismiss then the issues before the Court regarding the management of this pro se case would be resolved. If the Court denies Defendants' motion, there would be ample time at that point for the parties to develop a case management plan for the Court.

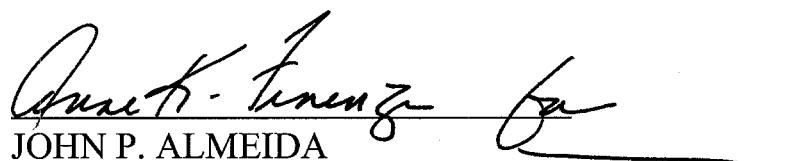
6. As indicated in the attached certificate of concurrence Mr. Eric Epstein, pro se Plaintiff, concurs in this request.

7. Intervenor Defendant Exelon takes no position on this motion, however Exelon indicated its desire that this action be resolved as expeditiously and efficiently as possible, and defers to the Court regarding the timing of a scheduling conference.

WHEREFORE, Federal Defendants respectfully ask this Court to grant their motion to vacate the present scheduling order.

Respectfully submitted,

JOHN C. CRUDEN  
Acting Assistant Attorney General

  
JOHN C. CRUDEN

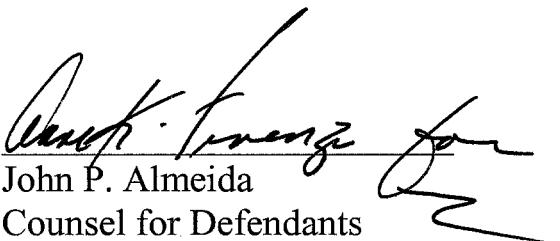
JOHN P. ALMEIDA  
Massachusetts State Bar #643441  
U.S. Department of Justice  
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Washington, D.C. 20044  
(202)305-0245 (telephone)  
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Attorney for Defendant

DATED this 21<sup>st</sup> day of August, 2001.

**CERTIFICATE OF CONCURRENCE**

The undersigned hereby certifies that in accordance with Local Rule 7.1, counsel for Federal Defendants sought and was granted concurrence from Plaintiff. Counsel for Intervenor Defendant indicated that Intervenor Defendant takes no position on this motion.

  
John P. Almeida  
Counsel for Defendants

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 21<sup>st</sup> day of August, 2001 a copy of the foregoing MOTION TO POSTPONE PRETRIAL SCHEDULING CONFERENCE and PROPOSED ORDER has been served on Plaintiff and Intervenor Defendant by first-class United States Mail at the following addresses:

Eric Joseph Epstein  
4100 Hillsdale Road  
Harrisburg, PA 17112

Brad Fagg  
Morgan, Lewis & Bockius  
1800 M Street NW  
Washington, D.C. 20036

*Rebecca A Plesic*  
REBECCA A. PLESIC  
Legal Secretary  
United States Attorney's Office

DATED this 21<sup>st</sup> day of August, 2001